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EXAMINER				
LOFTUS, ANNE				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/032,153

**Applicant(s)**

LANGNER ET AL.

**Examiner**

ANN LOFTUS

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-15, 18-20, 22-34, 37, 38 and 42-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15, 18-20, 22-34, 37, 38 and 42-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to an amendment filed on 10/13/09. The application was filed on 12/21/01. Claims 1, 3-15, 18-20, 22-34, 37, 38 and 42-47 are pending.
2. The examiner notes that US 2004/0010435 (10/371,885) shares inventor LaBahn and assignee Dun & Bradstreet with the instant application. It was filed 2/21/2003 with a provisional filed 2/22/2002. Its claims as of 2/13/09 do not recite menus or folders, and its claimed invention is interpreted as focused on the report features as opposed to the interface features.

### ***Response to Arguments***

3. The applicant argues that Sheth does not teach that the alert notices are stored in folders. A folder is interpreted as a section of logical memory. An alert is interpreted as a message or notice. Sheth shows in Fig 23(a) alerts stored in a private message board, which is interpreted as a folder.

The applicant argues that the claims refer to three parties, a user, a target business and providers of services. In Sheth's invention, the target businesses provide some services and the central server host provides some services (communication and searching, for example.) The claims do not stipulate a particular corporate relationship or separation between the target business and the data deliverer. A particular corporate

arrangement is likely to be a matter of contract anyway, and not a matter of physical structure or manipulative steps.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 3-15, 18-20, 22-34, 37, 38, 44 and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 1, the Bilski decision establishes the following test for claimed processes under 35 USC 101. The process passes if :

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines. '); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').<sup>7</sup> A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to

transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008))

Bilski further says that the particular machine or apparatus or transformation must be central to the purpose of the claimed process, and not mere extra-solution activity such as gathering data or recording results. As far as the transformation, Bilski also says on page 28 "Purported transformations of manipulations simply of public or private legal obligations or relationships, business risks, or other such abstractions cannot meet the test because they are not physical objects or substances, and they are not representative of physical objects or substances." The transformation of data unrelated to the physical world is thus not sufficient.

Preamble language referring to a computer-implemented method is not sufficient because it is unclear which steps are computer implemented. Steps other than extra-solution activity must be performed by a particular machine. The dependent claims fail to remedy the problem.

Claims 1, 3-15, 18-20, 22-34, 37, 38, 44 and 45 recite methods that are not adequately tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing; therefore, they are non-statutory under § 101.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 3-20, 22-38, and 42-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The written description (including the drawings and original claims and incorporated references) is required to support possession of the claimed scope of the invention. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. If the limitation is not explicit, the applicant has the burden of showing that a person of ordinary skill in the art "would have understood, at the time the patent application was filed, that the description requires the limitation." Hyatt, 47USPQ 2d @1131. An arbitrary narrowing of the scope of the claim is not compliant unless the description explicitly supports or would require the narrowing limitation.

Claims 1, 20, 42 and 43 recite the user accesses a folder in memory, storing the delivered data in said folder, and said alert notice is stored in said folder. The specification describes an interface, and most of the folder references pertain to icons or symbols of folders appearing on menus. This has no relationship to the physical storage of the data. The specification recites (page 6) memory in a computer system that seems to correspond to a web server, but does not refer to folders in the memory. There is also mention of cache memory available to or part of the user device, but the contents of the cache are specified only as menus. A person of ordinary skill in the art would reasonably presume that the data is stored in memory somewhere accessible by

hyperlink and URL, and that a folder can be interpreted as a logical or abstract section of that memory. But the claims go further to say that the folder in memory, the **same** folder whose representation is selected by the user, contains **both** the delivered data and the alert notice. This is not supported by the specification, which does not give a layout for physical or logical storage of this data.

Claims 15 and 32 now refer to posting data to a designated area of the user device. This is not supported in the specification.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 4, 6, 8-10, 15, 20, 22, 23, 25-27, 32, 33, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth.

As to claims 1 and 20, Sheth teaches a method performed by a processor under control of instructions that said processor reads from memory, comprising: presenting to said user via a user device one or more menus, (paragraphs 100-101 page 6) through which a user accesses a folder in a memory, wherein said folder holds information concerning a business, access a list that includes a representation of said folder, and select said folder from said list to identify said business as a target business in Figs 7, 8 and 11, and paragraphs 83-85 page 4, as well as paragraph 109 page 7. "To identify

said business as a target business" is intent, and will not serve to patentably distinguish the invention from the reference. Sheth teaches selecting a plurality of business services from a suite of services in Fig 25. Sheth teaches processing an order for said selected plurality of business services concerning said target business in Fig 16, and paragraph 72 page 3. Sheth teaches delivering data from providers of said selected plurality of business services concerning said target business through said user device to said user and storing data in said folder in paragraph 125 page 9.

Sheth teaches communicating an alert notice concerning said target business to said user in paragraph 123 page 8.

The claims require that the same folder whose representation is selected by the user contains both the delivered data and the alert notice. First, a folder would be interpreted by a person of ordinary skill in the art at the time of the invention as a abstract section of logical memory, not physical memory. Storing items in the same logical folder is an abstract interpretation, not a physically discernable difference. Thus this is not a difference in structure, and it is not a difference in a manipulative step, but merely a difference in an abstract interpretation of physical storage. As such, it does not serve to patentably distinguish the art from the invention. Second, Seth teaches storing items in the same folder in shared folders, Figs. 20 and Fig 23(a). Paragraph 109 says that other file structures may be used. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add that the same folder whose representation is selected by the user contains both the delivered data and the alert notice in order to keep all the data for one project together.



Further as to claim 20, Sheth teaches preparing a report on said target business based upon said selected plurality of business services, in paragraphs 98-99 page 6.

Further as to claims 42, and 43, Sheth teaches modules in figure 19, i.e. a database module, an application module and a web server module. See also paragraph 69 page 3.

As to claims 3 and 22, Sheth teaches presenting and delivering online in paragraph 13 page 1 and paragraph 125 page 9.

As to claims 4 and 23, Sheth teaches presenting is at least partially implemented in an application in a user device in paragraph 77 page 4.

As to claims 6 and 33, Sheth teaches presenting is at least partially implemented in a business device that presents at least one of said one or more of said menus to a user device in Fig 19 (where a web server is a business device.) Sheth teaches an application hosting model in paragraph 77 page 4.

As to claims 8 and 25, Sheth teaches one or more menus presented on one or more web pages in Fig 4.

As to claims 9 and 26, Sheth teaches presenting one or more web pages to said user directly via a browser running on a user device in paragraph 77 page 4.

As to claims 10 and 27, Sheth teaches at least two business services presented on a single menu in Fig 11.

As to claims 15 and 32, Sheth teaches delivering data by posting to a designated area of the user device in paragraph 125 page 9.

10. Claims 13, 18, 19, 30, 37, 38, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth as applied above, in view of US 20020072927 filed 11/14/01 (provisional 11/14/00) by Phelan et al.

As to claims 13 and 30, Sheth teaches selecting services, and buttons, but does not teach risk evaluation reports. Phelan teaches risk evaluation reports (credit reports) in page 6 paragraph 60. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add a button for risk evaluation reports to avoid unpaid bills.

As to claims 18 and 37, Sheth teaches presenting to said user records of at least one of said user's customers in Fig 8. Sheth does not teach presenting to said user a payment performance record of at least one of said user's customers, nor communicating said payment performance record to a business service providing system. Phelan teaches in paragraphs 58-61 page 6 presenting to said user a payment performance record of at least one of said user's customers. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add payment performance records in order to help a business analyze credit options for its customers. Phelan teaches communicating said payment performance record to a business service providing system in paragraph 49 page 5. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Sheth combination to add communicating a payment performance record to a business service providing system in order to collect the information to sell to other users.

As to claims 19 and 38, Sheth does not teach payment performance records. In paragraph 41 page 3, Phelan describes the user putting appropriate records into a temp folder for transfer. This suggests that the user selected appropriate records. Thus Phelan suggests the user selects the payment performance records that are communicated to said business service providing system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add the user selects the payment performance records that are communicated to said business service providing system in order to allow the user to protect the privacy of certain customers.

As to claims 44-47, Sheth teaches a business service as a marketing service and a supplier service in Figs 44a-d, and an alert service in paragraph 123 on page 8. Sheth does not specifically teach a credit checking service or a collection service. Phelan teaches a credit checking service in the abstract. The background of the invention in the specification teaches that collections services are old and well-known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add business services including credit checking and collections in order to integrate a company's relationships in a single application.

11. Claims 5, 7, 11, 12, 24, 28, 29 and 34 are rejected under 35 U.S.C. 103 as being unpatentable over Sheth as applied above, in view of Official Notice.

As to claims 5, 7, 24 and 34, Sheth discloses a menu displayed on a device, but does not specifically disclose menus cached in a device. Official Notice, [now admitted

prior art] as taken in the first action, is repeated: that web pages were commonly displayed in browsers, which commonly cache pages on a user device. It would have been obvious that the menus of Sheth could be cached in a user device in order to re-display the page quickly, without having to fetch the entire page over a network a second time. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add menus cached in a user or business device in order to hasten presentation of the menu.

As to claims 11 and 28, Sheth teaches permitting a user to categorize said target business to a group including vendors in Fig 7. Sheth does not specifically teach allowing a user to categorize a target business by customer, supplier, partner, competitor, project or user's company. Official Notice, [now admitted prior art] as taken in the first action, is repeated: that customer, supplier, partner, competitor, project and user's company are common keywords to use for identifying a relationship between companies. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sheth to add the listed categories in order to facilitate searches and increase organization.

As to claims 12 and 29, Sheth teaches categorizing said target business to a group including vendors in Fig 7. Sheth teaches a menu with categories of sell to and buy from in Fig 44a. Sheth does not explicitly teach allowing a user to categorize a target business by: compete, get paid and locate. Official Notice [now admitted prior art] is taken that sell to, buy from, compete, get paid and locate are common keywords to use for identifying a relationship between companies. It would have been obvious to a

person of ordinary skill in the art at the time of the invention to allow a user to use those keywords to categorize business data because then all businesses with a particular type of relationship would be tagged, and could be used together as input for mail merges and such.

12. Claims 14 and 31 are rejected under 35 U.S.C. 103 as being unpatentable over Sheth in view of Phelan, as applied above, in view of Official Notice.

As to claims 14 and 31, Sheth teaches comments in the interface that track general reputation. Sheth does not teach presenting credit risk with a risk indicator that designates low/moderate/high risk in a color coded manner. Official Notice [now admitted prior art], as taken in the first action, is repeated: that meter icons are well recognized graphic indicators of risk. Meter icons resemble temperature or pressure gauges, where a rotating indicator needle can rise from a low safer range, often a green wedge to the left, through a middle zone, to a more risky red wedge on the right. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a meter icon on a report to designate either a low risk, a moderate risk or a high risk in a color coded manner in order to have an icon that would convey meaning quickly to a broad range of people.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANN LOFTUS whose telephone number is (571)272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alex can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

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Primary Examiner, Art Unit 3691